



AF/IF

DOCKET NO: 17396/09015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of: Maurice R. De Billot, et al.	)	Confirmation No.: 8087
Serial No: 10/026,301	)	Examiner: Alton Nathaniel Pryor
Filed: December 19, 2001	)	Art Unit: 1616
Title: Method of Improving Yield and Vigor Of Plants	)	Deposit Account: 50-2548
	)	Customer No.: 45850

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)**


I hereby certify that the attached correspondence, comprising of:

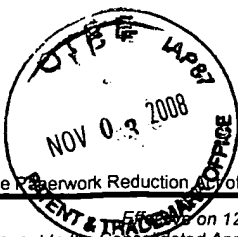
1. Fee Transmittal for FY 2009 (2 pages)
2. Supplemental Information Disclosure Statement Transmittal Letter (2 pages)
3. Information Disclosure Statement (List) (1 page)
4. Enclosed Reference Cited (1)
5. Check in the amount of \$180.00
6. Return receipt postcard,

is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on October 30, 2008.

  
Signature of person mailing paper  
Marcia T. Greci, Ph.D., Esq.  
USPTO Reg. No. 54,717



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Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL For FY 2009

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180.00

## Complete if Known

Application Number	10/026,301 Conf.No. 8087
Filing Date	December 19, 2001
First Named Inventor	Maurice R. De Billot, et al.
Examiner Name	Alton Nathaniel Pryor
Art Unit	1616
Attorney Docket No.	17396/09015

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): Nelson Mullins Riley & Scarborough, LLP

☒ Deposit Account Deposit Account Number: 50-2548 Deposit Account Name:

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below

☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17

☒ Credit any overpayments

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## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	330	165	540	270	220	110	
Design	220	110	100	50	140	70	
Plant	220	110	330	165	170	85	
Reissue	330	165	540	270	650	325	
Provisional	220	110	0	0	0	0	

### 2. EXCESS CLAIM FEES

#### Fee Description

Each claim over 20 (including Reissues)

Fee (\$)  
52

Small Entity Fee (\$)  
26

Each independent claim over 3 (including Reissues)

220

110

Multiple dependent claims

390

195

Total Claims Extra Claims Fee (\$)

Multiple Dependent Claims

- 20 or HP = x =

Fee (\$)

Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims Extra Claims Fee (\$)

- 3 or HP = x =

HP = highest number of independent claims paid for, if greater than 3.

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$)

- 100 = / 50 = (round up to a whole number) x =

### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

Other (e.g., late filing surcharge): Government fee to file supplemental information disclosure after Final OA

\$180.00

## SUBMITTED BY

Signature	Registration No. (Attorney/Agent) 54,717	Telephone 864-250-2289
Name (Print/Type) Marcia T. Greci, Ph.D., Esq.		Date October 30, 2008

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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Of Plants	)	
	)	Customer No.: 45850

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R 1.56, 1.97 and 1.98, Applicant is submitting the art shown on the attached list for consideration by the Examiner. By this submission, it is not admitted that any of the listed references are, in fact, prior art. The Examiner is respectfully requested to make an independent search and evaluation of all relevant prior art.

I, the person signing below, state that the items of information contained in the supplemental information disclosure statement were cited in a related U.S. application not more than three months prior to the filing of this supplemental information disclosure statement.

This Supplemental Information Disclosure Statement is being filed after the issuance of a Final Office Action and is therefore accompanied by the \$180.00 fee set forth in 37 C.F.R. § 1.17(p), as required by 37 C.F.R § 1.97(c)(2).

The Examiner is encouraged to contact the undersigned at his convenience should there be any questions regarding this matter or require any additional information.

11/03/2008 RFEKADU1 00000029 10026301

01 FC:1606


180.00 OP

Respectfully requested,

NELSON MULLINS RILEY & SCARBOROUGH, LLP

October 30, 2008

Date



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Marcia T. Greci, Ph.D., Esq.  
Registration No. 54,717  
1320 Main Street, 17<sup>th</sup> Floor  
Columbia, SC 29201  
Telephone: (864) 250-2292  
Facsimile: (803) 255-9831  
Customer No.: 45850

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
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